

APPLICATION TECHNICAL ADEQUACY CHECKLIST
FOR
HAZARDOUS WASTE STORAGE, TREATMENT AND DISPOSAL
FACILITIES

Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division of Waste Management
Hazardous Waste Branch

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INSTRUCTIONS

Background:

On May 19, 1980, the U.S. EPA adopted regulations which regulated certain types of hazardous waste management activities, commonly referred to as “treatment, storage or disposal” (TSD) units. Those facilities which were already engaged in such activities were given six months (until November 19, 1980) to provide basic information about their TSD units by submitting EPA forms 1 and 3 of the Consolidated Permits Application (the federal “Part A” forms). Kentucky adopted a slightly modified version of these regulations on June 4, 1980. Those facilities which met the November 19, 1980 deadline were granted “interim status” which allowed them to continue to operate their TSD units. Otherwise, the units were required to be closed.

On July 26, 1982, the federal regulations addressing the permitting process for TSD units became effective. Kentucky again adopted a slightly modified version of these regulations in March 1983. The permitting regulations are similar to those for interim status, although they are generally broader in scope and more stringent. The March 1983 state regulations were codified, more or less, into their current form with the primary interim status regulations in Chapter 35 and the primary permitting regulations in Chapter 34. Facilities which do not have interim status must comply with Chapter 34 and the other permitting regulations.

As hazardous waste regulations continue to be modified, certain hazardous waste management activities may meet criteria for being TSD units. In such scenarios, a unit may obtain interim status if the facility was conducting the newly regulated activity prior to the effective date of the new regulation.

Interim status TSD units which are “land-based” (landfills, surface impoundments, land treatment units, and waste piles) are required by Chapter 35:060 to have a groundwater monitoring program. If an interim status facility determines that one or more of their TSD units have significantly impacted the groundwater (above “maximum contaminant levels” (MCL), background or other approved risk based levels) or if they determine that it is impractical to remove all of the hazardous waste (to levels protective of human health and the environment) from one or more of their TSD units (either for economic or technical reasons), they are generally required to submit a revised “dirty” closure plan meeting the requirements of Chapter 34. Most such facilities must later also submit a “Part B” application to obtain a Permit for post-closure care. In many cases, the Part B application will be similar to the closure plan. One significant additional requirement in the Part B application is documentation addressing the requirements for “corrective action” at those units, where wastes were managed, which are not TSD units.

Introduction:

All facilities that want to operate a hazardous waste TSD unit(s) or those facilities that intend to close a TSD unit(s) with waste in place (i.e. to create a hazardous waste landfill) must first obtain a hazardous waste management permit from the Cabinet.

These facilities must submit a “Part B” application to obtain the permit. However, in order to initiate the application process, a “Part A” form, with all basic information on all the TSD units, must first be submitted and approved before the Part B application is submitted for review. Since each Part B application is unique, and since there is no available “form” for submitting the application as there is with the Part A, the relevant portions of this checklist will make up the Part B application for a specific facility. It is recommended that the consultant/applicant contact the state agency to arrange for a meeting to identify the state reviewer, receive a copy of applicable and relevant parts of this checklist, and discuss the Part B permit application process. After the state approves the Part A form/application, the applicant can use this checklist to prepare the Part B permit application.

This checklist is a guidance document that is intended to facilitate the preparation of Part B permit applications or closure plans to close treatment, storage, or disposal unit(s) before submittal for Division review. It will also be used by the Hazardous Waste Branch reviewers to facilitate the review process. However, please keep in mind that this checklist does NOT address ALL regulatory requirements and should not be considered a substitute for the hazardous waste regulations. Reviewers may impose additional permit application requirements if necessary to protect human health and the environment.

Who Should Use This Checklist:

This checklist can be used by applicants seeking a hazardous waste management permit for a proposed operating facility or a post-closure permit for a disposal facility. This checklist can also be used by interim status facilities seeking an operating permit or a post-closure permit for a facility closed under interim status. It can also be used by existing permitted TSD facilities seeking a permit renewal, or a major or minor modification of a current permit. Further, this checklist can also be used by persons that must cease operating an illegal hazardous waste management facility usually called a “non-notifier”. Non-notifiers also need to satisfy other regulatory requirements before they are removed from the hazardous waste program.

How This Checklist Works:

This checklist is comprised of twelve different parts (A-L). Only the applicable and appropriate parts should be used for the document being prepared. These different parts are as follows:

Part A ** (form # DEP-7058A), is to be used by applicants/consultants for TSD applications. This form identifies all the treatment, storage, or disposal (TSD) units at a facility. It also addresses the nature and quantity of the hazardous wastes managed, as well as basic information on the facility. Permit reviewers should use a blank Part A from this checklist as the checklist for the Part A form review.

Part B ** is the beginning of the main body of a Part B permit application. It is used to provide a description of the facility including a topographic map, location information, geological information, floodplain standards, traffic information, past compliance record, financial responsibility to construct and operate, and the permit review fees.

Part C * outlines the components of a waste analysis plan.

Part D * contains process information and includes the technical design drawings and specifications for all hazardous waste management units.

Part E ** contains groundwater monitoring requirements to be included in a closure plan for land-based units (regulated units) or in an operating or post-closure permit. It identifies the framework for the “Corrective Action” process.

Part F ** specifies procedures to prevent hazards in a hazardous waste management facility. This addresses facility security, inspection schedule for the different hazardous waste management units, equipment requirements, proper management of incompatible wastes, etc.

Part G ** details the components of a contingency plan in the application.

Part H ** contains requirements regarding personnel training.

Part I ** delineates the technical requirements for closure plans, post-closure plans of hazardous waste management units, and specific financial requirements.

Part J * lists other federal laws the permit applicants should demonstrate compliance with if applicable.

Part K * outlines waste minimization documentation required of hazardous waste generators.

Part L ** contains all the signature requirements needed for an application.

* This part is applicable to all facilities pursuing a Part B permit.

** This part is to all facilities either closing a TSD unit or pursuing a Part B permit.

In developing a permit application, applicants/consultants are encouraged to adhere to the same sequence of applicable parts of this checklist.